JAN. 17. 2007 10:41AM

CHOATE HALL & STEWART 6172484000

NO. 704

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ATTORNEY'S DOCKET NUMBER: 2006691-0002

JAN 1 7 2007

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u>

Applicant:

Brisson, et al.

Examiner:

Not yet assigned

Serial No.:

10/561,053

Art Unit:

1632

Filing Date:

December 16, 2005

Conf. No:

9433

Title:

PLANT TRANSCRIPTIONAL ACTIVATOR AND USES THEREOF

Certificate of Facsimile Transmission

Pursuant to 1096 OG 30-31

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

I hereby certify that this correspondence is being facsimile transmitted to the US Patent & Trademark Office (571) 273-8300 on the date indicated below.

January 17, 2007 Date

Mary B. Harrington

Typed or Printed Name of person signing certificate

Sir:

SUBMISSION TO REPAY ERRONEOUS PTO REFUND

Applicants respectfully submit this paper to repay an amount of \$65 that was erroneously refunded to Applicant's credit card on November 7, 2006. This refund corresponds to half of the late declaration fee for a large entity (\$130) and was presumably made by the PTO because they thought the case was entitled to Small Entity status. As noted in the Response to Notice to File Missing Parts that was filed on June 22, 2006 and again in the Submission to Correc Entity Status that was filed on December 15, 2006, this case is a Large Entity case.

Although we believe that we have now appropriately paid all fees due in connection with this application, the Commissioner is authorized to charge or refund any additional fees associated with this application, to our Deposit Account No. 03-1721. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 248-4793.

Respectfully Submitted,

CHOATE, HALL & STEWART LLP

Date: January 17, 2007

Charles E. Lvon, D.

Reg. No. 56,630

PATENT DEPARTMENT CHOATE, HALL & STEWART LLP Two International Place Boston, Massachusetts 02110

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Page 1 of 1

Attorney Docket No.: 2006691-0002

PAGE 2/3 * RCVD AT 1/17/2007 10:52:11 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-3/13 * DNIS:2738300 * CSID:617 248 4000 * DURATION (mm-ss):01-18



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Mary Harrington for Charles E. Lyon, D.

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3 (including this page)

Phil.

January 17, 2007

Client Number

2006691-0002

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Comments

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Enclosed for filing in the above-referenced patent application, please find the following documents:

- 1. Submission to Repay Erroneous PTO Refund (1 pg);
- 2. Credit Card Payment Form in the amount of \$65.00 (1 pg); and
- 3. This Facsimile Cover Sheet (1 pg).

Please charge any additional fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,

Charles E. Lyon D. Phil.

Reg. No. 56,630

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